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# California Regional Water Quality Control Board

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James F. Cook  
The Painted Turtle  
3969 Villa Costera  
Malibu, CA 90265

### CONDITIONAL CERTIFICATION FOR PROPOSED PAINTED TURTLE CAMP PROJECT (Corps' Project No. 2002-00459-AOA), MUNZ LAKE, TRIBUTARY TO CASTAIC LAKE, LOS ANGELES COUNTY (File No. 02-047)

Dear Mr. Cook:

Regional Board staff has reviewed your request on behalf of the Painted Turtle (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 17, 2002.

I hereby certify that any discharge from the Painted Turtle Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759.

[Original signed by:]

[June 26, 2002]

Dennis A. Dickerson  
Executive Officer

Date

### California Environmental Protection Agency

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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## ATTACHMENT A

### Conditions of Certification File No. 02-047

1. Applicant: The Painted Turtle  
3969 Villa Costera  
Malibu, CA 90265  
Phone: (310) 456-6350 Fax: (310) 317-7076
2. Applicant's Agent: Michael J. Piszker  
KPFF Consulting Engineers  
2401 Colorado Avenue, Suite 315  
Santa Monica, CA 90404-3500  
Phone: (310) 828-1536 Fax: (310) 829-6025
3. Project Name: The Painted Turtle Project
4. Project Location: Munz Lake
5. Type of Project: Year-round campground facility
6. Project Description: 

*Purpose:* The purpose of this proposed project is to provide a permanent year round campground facility, with accessory camp clinic facilities and amenities, to serve chronically ill children.

*Description:* The proposed project will consist of demolishing an existing 375-space RV/camping facility and developing the property with 33 buildings totaling approximately 119,000 square feet. The on-site septic system will be replaced and connected to the County sewage treatment plant. A new, smaller on-site wastewater system will be installed for a remote restroom building. Also, replacement of the existing distribution system with increased water tank capacity and storm drainage features will occur. The project also includes the widening/replacement of an existing bridge, replacement of a boat dock for recreational use, and the construction of a boathouse.

As part of the mitigation for this project, shore-based excavation will take place surrounding some wetland perimeters. The restoration/enhancement will increase wetland pond areas and improve circulation within the ponds by slight deepening around some perimeter areas. Mitigation areas will be planted with native vegetation.

## **ATTACHMENT A**

### **Conditions of Certification File No. 02-047**

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| 7. Federal Agency/Permit:  | U.S. Army Corps of Engineers<br>NWP Nos. 14, 18 & 33 (Permit No. 2002-00459-AOA)   |
| 8. Other Required Regulatory Approvals:                              | California Department of Fish and Game<br>Streambed Alteration Agreement (Notification No. R5-2002-0127)   |
| 9. California Environmental Quality Act (CEQA) Compliance:           | The County of Los Angeles approved the project's Subsequent Final Environmental Impact Report (SCH No. 2000111051) on May 8, 2002.   |
| 10. Receiving Water:   | Munz Lake, tributary to Castaic Lake (Hydrologic Unit No. 403.51)  |
| 11. Designated Beneficial Uses:                                      | MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, and WILD   |
| 12. Impacted Waters of the United States:                            | Federal jurisdictional wetlands: 0.14 permanent acres<br>Non-wetland waters (unvegetated streambed): 0.06 temporary acres  |
| 13. Dredge Volume:   | None   |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.   |
| 15. Avoidance/Minimization Activities:                               | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>• The majority of the grading is planned to be conducted outside of the rainy season;</li><li>• Wetland and riparian areas (outside of impact areas) will be clearly shown in construction plans and marked in field for</li></ul> |

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construction personnel;

- Use of existing pathways/roadways during construction will be pursued; and
- A submitted SWPPP will contain several other construction BMPs such as sandbags and hay bundles for sediment and erosion control.

16. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed to create 0.71 acres, restore 0.04 acres, and enhance 0.18 acres of wetland habitat (6.6:1 ratio) onsite. Proposed mitigation consists of shore-based increase to wetland areas and improved circulation within the ponds by slight deepening around some perimeter areas. Mitigation areas will be planted with native vegetation, as well as removal of some existing encroachments will occur. The restoration proposed would most likely include the following native plant species:

- Iris-leaved Rush (*Juncus xipholes*)
- Bog Rush (*Juncus effusus*)
- Virgin's Bower (*Clematis lingusticifolia*)
- California Rose (*Rosa californica*)

Restoration shall include the restoration/enhancement of degraded, stripped, or exposed area(s) with native riparian and wetland vegetation local to the drainage.

*See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

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### Conditions of Certification File No. 02-047

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment, which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

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4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore the proposed **0.06 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **0.06 acres** waters of the United States by creating or restoring riparian

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### Conditions of Certification File No. 02-047

habitat at a minimum 1:1 area replacement ratio (0.06 acres). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.14 acres** of Federal jurisdictional wetlands by creating 0.71 acres, restoring 0.04 acres, and enhancing 0.18 acres of Federal jurisdictional wetland habitat at a minimum 6.6:1 area replacement ratio (0.93 acres). Restoration shall include the restoration/enhancement of degraded, stripped, or exposed area(s) with native riparian and wetland vegetation local to the drainage areas.

9. Approximately 4400 cubic yards of material will be excavated from the pond area during enhancement/creation. This material will be directly loaded onto trucks and hauled to a temporary stockpile area near the west side of the property. The stockpile area will be approximately 100' x 200' and will be outside of the riparian corridor/floodplain. The stockpile will be approximately 150 feet from the nearest water body. The excavated material will be utilized for amendment of the native soil in planter areas. Contractors shall not utilize the material in areas steeper than 5:1 and within the floodplain. The Applicant expects most of the material to be used during the first year (construction phase). Any remaining material will continue to be stored in the stockpile area and used in future gardening/planting activities.
10. The Applicant shall provide ADDITIONAL COMPENSATORY MITIGATION at a ratio of **1:1 per maintenance event** (based on area of impact) to offset any subsequent impacts to aquatic resources as a result of any future debris basin cleanout activities. If the Applicant can demonstrate, via photo documentation, that no aquatic resources (e.g., wetland/riparian vegetation) are present within the debris basins immediately prior to conducting any maintenance activities, this mitigation requirement is waived. In the event that mitigation is required, the Applicant shall conduct onsite mitigation, including bank revegetation with riparian species native to the area and removal of non-native vegetation, if available. If onsite mitigation is unavailable, the Applicant shall transfer sufficient funds to an appropriate conservation agency for wetland and/or riparian mitigation activities based on the 1:1 ratio. Any transfers of funds shall occur within **ninety (90) days** of commencement of the respective clearing activity. The Applicant shall submit to this Regional Board a copy of all agreements (including transfer dollar amount, size and location of the mitigation area, and description and duration of mitigation activities) made between the Applicant and the conservation agency demonstrating compliance with this compensatory mitigation requirement. All mitigation activities shall occur within the Santa Clara River Watershed to the extent feasible.
11. Prior to any subsequent maintenance activities within the subject debris basins, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing condition and capacity; (c) the area of proposed temporary impact within waters of the state; (c) a description of any



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- existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **two (2) weeks** prior to commencing work activities.
12. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1<sup>st</sup>** of each year for a period of **five (5) years** after planting.
  13. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-047**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
  14. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
  15. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.
  16. *Enforcement:*
    - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
    - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

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### **Conditions of Certification File No. 02-047**

- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
17. This certification shall expire **five (5) years** from the date of signature. The Applicant may request a renewal of this certification prior to its termination. Renewals may be granted in **five-year (5-year)** increments, may be subject to additional filing fees, and will require Regional Board approval. If the Applicant fails to request a renewal prior to the certification's expiration, then the Applicant shall submit a new application and appropriate filing fees.